

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Theodore Stewart-Franzen	Team: Team # 4	CCRB Case #: 200408021	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 08/14/2004 5:00 PM	Location of Incident: § 87(2)(b) Queens	Precinct: 105	18 Mo. SOL 2/14/2006	EO SOL 2/14/2006	
Date/Time CV Reported Tue, 08/17/2004 8:20 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 08/17/2004 8:20 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Anthony Salato	24592	926403	105 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM George Rath	07271	918202	105 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Anthony Salato	Force: PO Anthony Salato used physical force against § 87(2)(b)	§ 87(2)(b)
B.POM Anthony Salato	Discourtesy: PO Anthony Salato spoke obscenely and/or rudely to § 87(2)(b)	§ 87(2)(b)

## Synopsis

On August 14, 2004, PO Anthony Salato arrested § 87(2)(b) inside of her residence at § 87(2)(b) in Queens. Inside § 87(2)(b)'s residence, PO Salato used physical force against § 87(2)(b) (Allegation A), and he allegedly made a discourteous remark to § 87(2)(b) (Allegation B). § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

## Summary of Complaint

§ 87(2)(b)'s CCRB Interview

§ 87(2)(b) was interviewed at the CCRB on November 18, 2004. § 87(2)(b) stated that on August 14, 2004, at approximately 5:00 PM, two male white officers responded to her house at § 87(2)(b) in Queens. § 87(2)(b) invited the officers into her house because she assumed that they were responding to the 911 call that she had made earlier that afternoon. § 87(2)(b) called 911 at approximately 3:30 PM on the incident date and stated that she had a verbal dispute with her son's father, and that her son was with his father. § 87(2)(b) requested that the police return her son to her residence.

The first officer, subsequently identified as PO Anthony Salato, handcuffed § 87(2)(b) and told her that she was under arrest because a complaint of child abuse had been filed against her. § 87(2)(b) told PO Salato that she needed her cell phone and her pocketbook, both of which were in her upstairs bedroom. PO Salato grabbed § 87(2)(b)'s forearm and escorted her upstairs roughly.

Because § 87(2)(b) was handcuffed, she told PO Salato where her pocketbook was and he retrieved it for her. When § 87(2)(b) told PO Salato that she only wanted the money that was in the pocketbook, PO Salato told § 87(2)(b) that she would need her identification. § 87(2)(b) told PO Salato that he should know whom he is arresting. PO Salato threw § 87(2)(b)'s pocketbook down and said, "fuck it. You'll go in as Jane Doe." PO Salato then grabbed § 87(2)(b) very roughly by the upper arm and began to drag and push her out of her bedroom, pushing § 87(2)(b) up against the television and knocking some of her personal items onto the floor. At this point, the second officer, subsequently identified as PO George Rath, tried to calm PO Salato down by saying, "Sal. C'mon Sal." PO Salato calmed down and loosened his grip on § 87(2)(b)'s arm. PO Salato and PO Rath arrested § 87(2)(b) and took her to the 105<sup>th</sup> Precinct stationhouse (Enclosure 4).

## Results of Investigation

### **Witness**

§ 87(2)(b)

§ 87(2)(b) is the § 87(2)(b)-year-old son of § 87(2)(b). On the incident date, he filed a complaint against § 87(2)(b) at the 105<sup>th</sup> Precinct stationhouse, which led to her arrest. § 87(2)(b) was not interviewed in connection with this investigation because he was not present when his mother was arrested. § 87(2)(b)

§ 87(2)(b)

## **Officer Identification**

PO Anthony Salato was identified as the arresting officer on the Arrest Report for § 87(2)(b) PO Salato's memo book entries for the incident date indicate that he was partnered with PO George Rath. In his CCRB interview, PO Rath confirmed that he was working with PO Salato on the incident date, and that he assisted PO Salato in effecting the arrest of § 87(2)(b)

## **Officer Interviews**

### **PO Anthony Salato**

#### *PO Anthony Salato's Prior Statements*

#### *Complaint Report*

On August 14, 2004, at 3:30 PM, § 87(2)(b) filed a complaint against his mother, § 87(2)(b) at the 105<sup>th</sup> Precinct stationhouse. § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

#### *Report of Suspected Child-Abuse or Maltreatment*

On August 14, 2004, at 10:30 AM, § 87(2)(b) filed a complaint against § 87(2)(b) at the 105<sup>th</sup> Precinct stationhouse. § 87(2)(b) filed the complaint on behalf of § 87(2)(b) the § 87(2)(b)-year-old son of § 87(2)(b) and § 87(2)(b) § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) PO Anthony Salato was the reporting officer, and he indicated on the report that § 87(2)(b) was extremely combative when she was confronted by the police (Enclosure 6).

#### *Arrest Report*

The Arrest Report indicates that on August 14, 2004, at 5:43 PM, PO Anthony Salato arrested § 87(2)(b) inside of § 87(2)(b) in Brooklyn. PO Salato indicated on the Arrest Report that when he attempted to handcuff § 87(2)(b) she pushed him and flailed her arms. PO Salato also indicated that § 87(2)(b) attempted to run away from him, and was verbally abusive toward him (Enclosure 7).

#### *Criminal Court Complaint*

On August 15, 2004, PO Salato stated in the Criminal Court Complaint that § 87(2)(b) committed the following offenses: § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) was arrested on the complaint of her son, § 87(2)(b) and § 87(2)(b)'s father, § 87(2)(b). § 87(2)(b) was physically and verbally combative with PO Salato when he effected the arrest (Enclosure 8).

### *PO Anthony Salato's Memo Book Entries*

PO Salato's memo book entries for August 14, 2004 indicate that he worked from 1:00 PM to 9:35 PM. PO Salato was assigned to the 105th Precinct, and was partnered with PO George Rath. At 3:45 PM, PO Salato was 10-61 from the stationhouse by direct order from Sgt. Giordano, regarding a child abuse complaint. PO Salato responded to § 87(2)(b) At 5:43 PM, PO Salato had one under to the stationhouse in regards to the job at § 87(2)(b) (Enclosure 9).

### *PO Anthony Salato's CCRB Interview*

PO Anthony Salato was interviewed at the CCRB on December 7, 2004. PO Salato stated that he effected the arrest of § 87(2)(b) after her son filed a child-abuse complaint against her in the 105th Precinct stationhouse. PO Salato and his partner, PO George Rath, responded to § 87(2)(b)'s residence at § 87(2)(b) in Queens. § 87(2)(b) invited the officers into her house, and when PO Salato informed § 87(2)(b) that she was under arrest, she became very agitated. PO Salato escorted § 87(2)(b) to her bedroom because she asked to change her shirt. § 87(2)(b) took a phone call in the bedroom, and became more agitated while she was on the phone. PO Salato had to tell § 87(2)(b) to get off the phone numerous times. PO Salato did not make physical contact with § 87(2)(b) and § 87(2)(b) was not handcuffed before entering her bedroom.

PO Salato told § 87(2)(b) to get her identification and twenty dollars, and after she retrieved the items, PO Salato attempted to handcuff her. § 87(2)(b) became physically combative, flailing her arms and knocking PO Salato onto the bed. PO Salato and PO Rath used minimal force to subdue § 87(2)(b)—PO Rath held § 87(2)(b)'s arms while PO Salato handcuffed her—and they succeeded in placing § 87(2)(b) in handcuffs. § 87(2)(b) continued to physically resist the officers as they escorted her outside of the bedroom. When the officers removed § 87(2)(b) from the bedroom, and they approached the top of the stairs, § 87(2)(b) stopped physically resisting the officers, and she was cooperative as they walked downstairs and out to the patrol car. However, she continued to be verbally abusive toward the officers, using profanities and saying, "you're not interested in both sides of the story." PO Salato and PO Rath transported § 87(2)(b) to the 105th Precinct stationhouse.

PO Salato stated that he did not use profanity during his interaction with § 87(2)(b) and that he did not say, "fuck it, you'll go in as Jane Doe." The only time PO Salato used physical force was to handcuff § 87(2)(b) when she resisted arrest. PO Salato stated that PO Rath refers to him as 'Tony,' and PO Rath did not make an attempt to calm him down (Enclosure 10).

### **PO George Rath**

### *PO George Rath's Memo Book Entries*

PO George Rath's memo book entries for August 14, 2004, indicate that he was partnered with PO Anthony Salato. PO Rath was working from 3:00 PM-11:35 PM. At 5:30 PM, PO Rath and PO Salato were 10-61 to § 87(2)(b) At 5:43 PM, PO Salato had one under at the location (Enclosure 11).

### *PO George Rath's CCRB Interview*

PO George Rath was interviewed at the CCRB on January 4, 2005. He stated that he was at the 105th Precinct stationhouse with PO Salato when § 87(2)(b)'s son, § 87(2)(b) and § 87(2)(b)'s father, § 87(2)(b), were being interviewed by the on-duty desk officer in regards to a complaint that they were filing against § 87(2)(b). PO Rath and PO Salato were sent to § 87(2)(b)'s residence to effect her arrest. § 87(2)(b) let PO Rath and PO Salato enter her residence, but became verbally abusive towards the officers when they told her that she was under arrest. PO Rath stated that § 87(2)(b) was yelling, "you aren't interested in both sides of the story."

The officers allowed § 87(2)(b) to go upstairs to her bedroom to change her clothes and get her identification. § 87(2)(b) received a phone call in her bedroom, and despite PO Salato's repeated demand

that § 87(2)(b) end the phone call, she would not hang up the phone. Eventually, either § 87(2)(b) or PO Salato hung up the phone, and the officers placed § 87(2)(b) in handcuffs. The officers used minimal force to handcuff § 87(2)(b) because she was flailing her arms and pulling away from the officers. PO Rath held § 87(2)(b)'s arms while PO Salato handcuffed her. As the officers were escorting her out of the bedroom, § 87(2)(b) continued to "jerk around," to resist the officers. PO Rath stated that the officers and § 87(2)(b) bumped into the bed and the nightstand while trying to control § 87(2)(b). Once the officers removed § 87(2)(b) from her bedroom in handcuffs, she calmed down and stopped resisting the officers.

PO Rath stated that PO Salato used minimal force to overcome § 87(2)(b)'s resistance. PO Rath stated that he did not recall PO Salato using profanity, but it is possible that he said, "you'll go in as Jane Doe," because that is a typical response when someone does not have identification. PO Rath stated that he refers to PO Salato as, 'Tony,' and that he did not have to calm PO Salato down during the incident (Enclosure 12).

## **Police Documents**

### Domestic Incident Report

At 5:15 PM on August 14, 2004, § 87(2)(b) called 911 and stated that she had a verbal dispute with James Geter, the father of her son, and that her son was with § 87(2)(b). § 87(2)(b) requested that the police bring § 87(2)(b) back to her residence if § 87(2)(b) refused to do so. The Domestic Incident Report indicates that no Complaint Report was prepared and no arrest was effected as a result of § 87(2)(b)'s statement, because there was no offense committed. PO Michael Freeman was the reporting officer (Enclosure 13).

### The 105<sup>th</sup> Precinct Command Log

The 105<sup>th</sup> Precinct Command Log indicates that on August 14, 2004, at 5:50 PM, § 87(2)(b) was brought into the stationhouse after PO Anthony Salato arrested her for § 87(2)(b). It indicates that § 87(2)(b)'s physical condition was apparently normal. At 9:53 PM, § 87(2)(b) was taken to Queens Central Booking (Enclosure 14).

### The 105<sup>th</sup> Precinct Administrative Roll Call

The 105<sup>th</sup> Precinct Administrative Roll Call for Tour 3 on August 14, 2004, indicates that PO Anthony Salato was scheduled to work from 1:00 PM to 9:35 PM. PO George Rath was scheduled to work from 3:00 PM to 11:35 PM (Enclosure 15).

### Criminal Conviction History of § 87(2)(b)

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### Officer CCRB History

PO Anthony Salato has not had any CCRB complaints substantiated against him (Enclosure 1).

## **Conclusions and Recommendations**

The undisputed facts of the case are as follows: on August 14, 2004, at approximately 10:30 AM, § 87(2)(b) filed a complaint against his mother, § 87(2)(b) at the 105<sup>th</sup> Precinct stationhouse. PO Anthony Salato and PO George Rath responded to § 87(2)(b)'s residence at § 87(2)(b) in Queens. § 87(2)(b) invited the officers to enter her residence, at which point the officers informed § 87(2)(b) that she was under arrest. The officers escorted § 87(2)(b) to her bedroom at her request, so that she could

retrieve her personal effects. The officers handcuffed § 87(2)(b) inside her residence. The officers brought § 87(2)(b) to the 105<sup>th</sup> Precinct stationhouse. PO Salato was the arresting officer.

§ 87(2)(g)

§ 87(2)(b) stated that PO Salato handcuffed her before they entered her bedroom, and that she did not resist arrest. § 87(2)(b) stated that PO Salato handled her roughly by her arm after she was in handcuffs and he was escorting her to her bedroom. However, PO Salato and PO Rath both stated that they handcuffed § 87(2)(b) in her bedroom, together, and that she resisted arrest. The officers stated that § 87(2)(b) asked to go to her bedroom so that she could put on an appropriate shirt. Both officers also stated that § 87(2)(b) took a phone call in the bedroom, and that PO Salato had to ask her numerous times to hang up the phone. Both officers stated that § 87(2)(b) resisted their attempts to handcuff her after she got off the phone, and that they used minimal force to effect the arrest.

§ 87(2)(g)

§ 87(2)(g)

**Allegation A: Anthony Salato used physical force against § 87(2)(b)**

§ 87(2)(b) alleged that PO Salato handcuffed her by himself, prior to entering her bedroom, and that she did not resist arrest. § 87(2)(b) alleged that after PO Salato handcuffed her, he held her by the arm, handling her roughly. § 87(2)(g) PO Salato and PO Rath stated that they both took part in handcuffing § 87(2)(b) and that they used force to do so because § 87(2)(b) resisted PO Salato's initial attempt to handcuff her. § 87(2)(b) resisted by pushing PO Salato onto the bed and flailing her arms. In addition, both officers stated definitively that they handcuffed § 87(2)(b) in her bedroom. § 87(2)(g)

§ 87(2)(g) On the incident date, PO Salato filled out a Complaint Report against § 87(2)(b) filed by her § 87(2)(b)-year-old son § 87(2)(b) an Arrest Report for § 87(2)(b) and a Report of Suspected Child Abuse or Maltreatment against § 87(2)(b) filed on behalf of § 87(2)(b) by his father, § 87(2)(b). PO Salato prepared the reports three days before § 87(2)(b) filed her CCRB complaint. § 87(2)(g)

In the reports, PO Salato indicated that § 87(2)(b) was extremely combative when the officers confronted her, and that § 87(2)(b) pushed PO Salato and flailed her arms to avoid being handcuffed. § 87(2)(b) was verbally abusive to the officers, and attempted to run away from them. § 87(2)(g)

§ 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Allegation B: Anthony Salato spoke obscenely and/or rudely to § 87(2)(b)**

§ 87(2)(b) stated that PO Salato informed her that she was under arrest, and that she needed to bring her identification with her, to which § 87(2)(b) replied, “you should know who you are arresting.” PO Salato allegedly said, “fuck it. You’ll go in as Jane Doe.” PO Salato stated that he did not recall § 87(2)(b) objecting to bringing her identification, and he stated that he did not make the alleged discourteous remark. PO Rath stated that he did not hear PO Salato use profanity during the incident, and did not recall § 87(2)(b) refusing to bring her identification.

I § 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Investigator:	Date:
Supervisor:	Date:
Reviewed by:	Date:
Reviewed by:	Date: